



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
REPORT: Special Permit & Site Plan for an Urban Farm
 for consideration May 30, 2023

STAFF REPORT

TO: Planning & Zoning Commission
PREPARED BY: Owen Deutsch, Principal Planner
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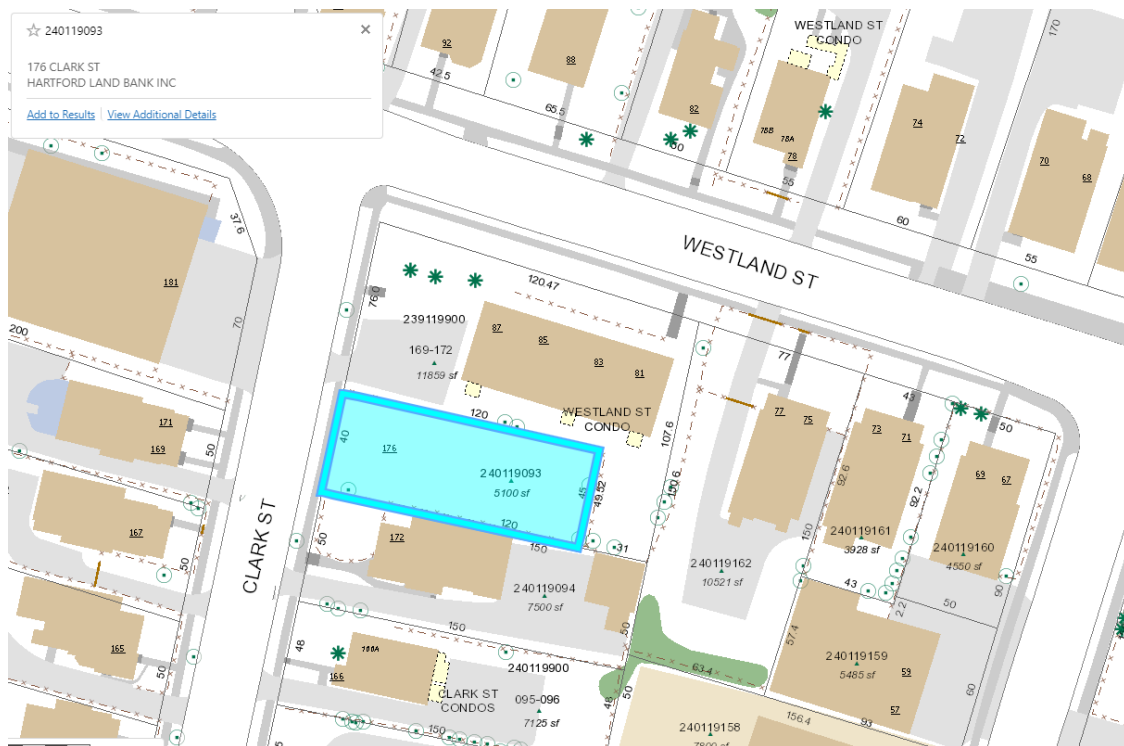
PROJECT: Urban Farm
 176 Clark St
PARCEL ID: 240-119-093
ACCELA ID: PZ-SPUSE-23-000015

ZONE: NX-2, Neighborhood Mix Zoning District

TYPE: Request for a Special Permit and Site Plan for a new Urban Farm per Section 3.3.3.F, Section 3.3.3A(1), and Section 1.3.4.

APPLICANT: Hartford Land Bank

OWNER: Hartford Land Bank



Overhead View – Harford GIS 2023

BACKGROUND INFORMATION

Hartford Land Bank (HLB), in partnership with Keney Park Sustainability Project (KPSP) and two Urban Farm organizations based in Hartford, are requesting approval of a special permit and site plan to establish Urban Farms on two separate lots. 176 Clark Street is the intended location of one of the Urban Farms, and is currently vacant. Hartford Land Bank intends to transfer ownership of this property to Lauren Little Edutainment, LLC, a local farming and education enterprise, with the subject property to be titled Gaia's Garden. The Hartford Land Bank has set a deed restriction on the property, such that ownership will revert to the Hartford Land Bank in case of nonperformance. The prior transfer of this property from the Court of Common Council to the Hartford Land Bank was approved in its meeting March 15, 2022, with the intention of this lot being redeveloped, reconstructed, or reutilized.

KEY APPLICATION TIMELINES

- Application Submission Date: May 4, 2023
- Date Application Accepted as Complete: May 4, 2023
- Application Date of Receipt: May 9, 2023 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing is scheduled to open on Tuesday, May 30, 2023; Open Hearing Deadline: July 13, 2023.
- Close Hearing Deadline (if opens May 30, 2023): (35 days after opening) Thursday, August 17, 2023
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days.

LEGAL STANDARD

Standard for Application Type:

The Commission reviews site plans in accordance with Zoning Regulations section 1.3.3. Site plans may be modified, conditioned, or denied only if they fail to satisfy the zoning regulations, inland wetland regulations, or subdivision regulations. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation, landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

The Commission reviews special permits in accordance with Zoning Regulations section 1.3.4. Special permits may be approved, approved with conditions, or denied. Considerations the Commission may weigh in special permit review include: harmony with the plan of conservation & development; compliance with the purposes of the district; effect on existing development; creation of safety hazards in vehicular and pedestrian circulation; effects on traffic; compatibility with adjacent properties; suitability of arrangement of buildings, open space, and provision of light and air; impact on essential services; impact on stormwater runoff; impact on city services and infrastructure; tree and landscape provision; and pedestrian amenities. The Commission may deviate from the minimum requirements for building siting, height, street facades, accessory structures dimensions, tree installation,

landscape installation, buffers, fencing, lighting, parking, signage, and street design by up to 15% upon certain findings.

STANDARD SPECIFIC TO THE USE

Chapter 1.0 – Administration

Sec.1.3.3 – Site Plans and Sec.1.3.4 – Special Permits

Chapter 3.0 – Uses

Sec. 3.3.3.F Urban Farms: A ground or roof-level agricultural operation of any size, excluding agricultural growing (such as aquaculture) occurring in a permanent indoor facility other than a farm structure, which is used for urban agriculture for commercial purposes, whether for profit or non-profit, with a single entity serving as the primary operator.

- (1) Requirements for Food Production. All Requirements for Food Production, as defined in 3.3.3 A(1) under "Community Gardens" shall apply to all urban farms.
- (2) Lighting. Lighting should be limited to that required for operational and safety purposes of any activity defined as urban agriculture, and shall not create a nuisance through excessive brightness to abutting residential uses.
- (3) Operating Hours. The urban farm shall only operate between the hours of 7 a.m. and 9 p.m. in any residential (N or NX) district or on any lot abutting a residential district or residential building. In all other locations, the urban farm shall only operate between the hours of 5 a.m. and 9 p.m.
- (4) Odors. No odors or fumes from a urban farm shall be allowed to escape into the open air in such amounts as to be detrimental to the health of any individuals or the public or create a nuisance.
- (5) Farm Stand. An urban farm may have one farm stand selling and/or distributing agriculture and horticultural products produced on site, provided such stand shall be attended during all hours of sales and/or distribution, and shall be permitted in accordance with 4.20.5 Accessory Urban Agricultural Structures.
- (6) Equipment. Applicants shall submit a description of the type of equipment intended for use in each season and the frequency and duration of anticipated use.(a)In any N or NX district where an urban farm is located, the operator of the garden shall utilize no more than one motorized tractor, of a compact utility size or smaller, over the course of any calendar year, shall utilize said tractor for no more than 15 days per calendar year, and shall utilize no other large-scale motorized vehicles. The preceding sentence shall not apply to walk-behind tractors or other small motorized devices (such as snow blowers or tillers) primarily moved by human power.

Sec. 3.3.3 (A)(1) – Requirements for Food Production

- (a) The site shall have reliable and legal access to an onsite source of water. Use of water storage systems is allowed.
- (b) The site shall be operated in a manner that prevents the drainage of water or chemicals onto any neighboring property.

- (c) Site operators shall ensure that soils are suitable and shall obtain any permits for operation required by law. Prior to development, soils shall be tested to ensure the viability and safety of the location. This requirement is waived when soils have been remediated and/or demonstrated to meet the Residential Direct Exposure Criteria as specified by the Connecticut Department of Energy and Environmental Protection. At a minimum, soil shall be tested for the following heavy metals: boron, arsenic, mercury, selenium, lead, cadmium, chromium, nickel, zinc and copper. Analytical test shall be conducted with methods and procedures suitable for soil media. Suitable soil shall be defined as soil which meets the regulations set forth by the Connecticut Department of Energy and Environmental Protection. Soil tests results shall be submitted with application.
- (d) Tools, supplies, and machinery shall be stored in an enclosed structure or removed from the property daily. All chemicals and fuels shall be stored off the ground in an enclosed, locked structure when the site is unattended.
- (e) The site must be maintained using organic agricultural practices, including the use of organic chemicals only. Use of pesticides must meet the regulations detailed in the Connecticut Pesticide Control Act, general statutes section 22a-46.
- (f) A composting and waste management plan, a plan for the use of organic agricultural chemicals, and a soil remediation plan (if necessary) must be approved by the city department of health and human services prior to the issuance of any zoning permit.
- (g) At the end of the growing season (and no later than December 15 of each year), all plant material must be cut to no more than 6 inches in height, unless there is an agricultural reason for keeping the plant materials uncut.
- (h) One identification sign containing the name and phone number of the contact person for the site is required. The sign shall be designed in accordance with 8.0 Signs. The sign shall be visible from the most active adjacent street.

Sec. 3.3.3 (A)(6)

Community gardens are authorized as an accessory use in the same districts in which they are authorized as principal uses, and accessory community gardens shall be subject to the same conditions set forth in this section.

Sec. 4.20.5 – Accessory Urban Agricultural Structures

A. Accessory Farm Structures. Accessory Farm Structures include, but are not limited to, sheds (tool and packing), shade pavilions, farm stands, trellises, or other vertical supports for growing crops, and structures used to extend the growing season such as greenhouses, hoopouses, coldframes, or similar structures.

- (1) Location. Such structure shall be located in a rear yard in residential (N or NX) districts and any residential property.
- (2) Lot Coverage. Such structure shall not occupy more than 25 percent of the lot on which it is located.
 - (a) If located on a lot used primarily for residential purposes, the accessory farm structure shall not occupy more than 25 percent of the required rear setback, provided that the total

area of agricultural structures on any lot in a residential district shall not exceed 500 square feet in size.

(3) Maximum Height. Such structure shall not exceed 20 feet in height in the case of greenhouses, hoophouses, coldframes, and similar structures which are located on the site of an approved urban farm or community garden not in a residential district, or 10 feet in height in the case of all other farm structures, unless a lower height is required by the building code.

B. Compost Bins. A structure used to contain organic wastes as they decompose to result in compost, which is constructed of metal, blocks, bricks, wood, or plastic.

(1) Design. Bins shall be constructed and situated in such a way as to control odor, prevent rodent or other pest infestation, eliminate runoff into waterways and onto adjacent properties, and not otherwise create a nuisance for nearby properties.

(2) Plant Materials Only. Bins shall be used only to compost plant-based materials, and not used for cooked foods, animal proteins, and fats.

(3) Screening. Screening, shall be provided in accordance with 6.12 Screening of Necessary Appurtenances.

(4) Location. Bins shall be located in the rear yard, and shall be a minimum of 20 feet from any residential building.

Chapter 6.0 – Sitework & Landscape

Plan of Conservation & Development

Green400 – Flora

- Conduct phytoremediation or mycoremediation on brownfields
 - o Using deep-rooted plants or mushrooms that can clean hazardous waste, including heavy metals, will remediate toxic ground and groundwater, while cleaning our air.
- Direct plantings to heat-island areas
 - o Targeting new plantings in areas with few trees and a lot of impervious ground cover will help reduce the heat island effect and reduce energy costs for families.
- Establish new meadows and wetlands
 - o Creating high-quality open space, particularly if publicly accessible, will provide recreational opportunities, enhance biodiversity, promote tourism, and enhance quality of place.

Live400 – Food

- Increase schools' local food sourcing to 50%
 - o Establishing a Hartford-County-grown sourcing program for schools will help local farmers scale up, keep money in our economy, and maximize local food production.
- Coordinate and consolidate food production
 - o Organizing community gardens, school gardens, and other local agricultural programs under one umbrella will facilitate streamlined food production in Hartford.

Live400 – Housing

- Transform 500 properties with the land bank

- Using a recently-created nonprofit land bank to revive vacant, blighted properties for new occupancy will improve property values and quality of life within neighborhoods.

FINDING OF FACTS

Subject property:

- NX-2, Neighborhood Mix District
- Lot size: 5,100 square feet; front lot width: 40 feet
- Most of the lot is elevated from street-level, with a gradual slope in the front yard.
- Adjacent and nearby land uses are mostly residential: single- and multi- family houses, and condominiums on the northern adjacent lot. Hartford Fire Department Engine Co. 7 is across Clark St at the corner of Clark St and Westland St.



Figure 1. Existing Conditions (Google Maps 2020)



Figure 2. Existing Conditions (Google Maps 2020)

Proposed use:

- The applicant proposes an urban farm, which will be owned and operated by Lauren Little of Lauren Little Edutainment (LLE). The name of the farm will be Gaia's Garden. Gaia's Garden is intended to be an outdoor educational and agricultural space, including programming, open hours and a community garden.
- Commercial Operation: LLE provides produce to the community through direct sales, client contracts, and subsidization from local non-profits, schools and organizations. The applicant states that LLE is anticipated to grow a minimum of 5,500 pounds of food per growing season, and up to 28,000 pounds of food depending on type and species of produce, weather, and increasing soil yields over time. LLE intends to sell produce to bodegas, schools, businesses, and other vendors. The applicant states that LLE has previously served approximately 7,000 students and their families in the Greater Hartford area, and has partnered with local bodegas and other businesses, including Bro's Dough Pizza and Mercado Popular. LLE also serves clients in the Tri-State Area, including Boston, New York City, Bridgeport, New Haven, and Lake Placid, New York. LLE will pay property taxes on the lot. Hartford Land Bank intends to conduct site visits at least monthly to ensure the farm is performing as expected.
- Parking and pedestrian traffic: The applicant states that parking requirements will be adhered to, and in accordance with the regulations of the Hartford Fire Department. Training or educational sessions will be limited in attendance, and the adherence of visitors to parking restrictions will be observed.
- Fencing: 6 ft. perimeter fencing around entire property, 50% visibility, with locked gate access.
- Lighting/Security: The operator proposes to remain in contact with the local police officer, install security lights and cameras, and be at the garden at least 3-4 times per week year-round.
- Agricultural features:
 - Sensory pollinator garden
 - Food pantry
 - Compost station
 - Outdoor Classroom
- Structures:
 - Eighteen wooden raised garden beds (10' x 6' x 3')
 - Four square raised garden beds (4' x 4' x 3')
 - Greenhouse, not permanent (no foundation proposed)
 - Compost bins in the rear yard, at least 20' from residential buildings
 - Tool shed, not permanent (no foundation proposed) (12' x 6')
 - Circular raised bed (radius 5')
 - Wash station with water access/spigot (9' x 3')

- Water: A water spigot is anticipated to be located in the back third of the lot and will be subject to change based on MDC's survey report. LLE will also install a wash station on a gravel patch of the vacant lot.
- Compost: Compost bins are proposed to be located in the rear of the yard, 20' from residential buildings. All uncooked fruit and vegetable compost material will go into a raised tumbler, which will be secured and impenetrable by animals. LLE states that this method will produce no runoff or odors and prevents infiltration by animals. LLE will also have a vermicompost (worm) bin, which will be a closed and self-contained bin with aeration holes on the upper sides.
- Signage and Hours of Operation: Signage with appropriate contact information and hours of operations (7 AM - 9 PM) for the entity responsible for 176 Clark Street (LLE LLC) will be visible from the street.
- Equipment and Use: The lot will be used for small-scale farming production, not involving large-scale power equipment. The only power equipment on site will be limited to push mowers, trimmers, and weed whackers. LLE expects these to be used periodically throughout the growing season, with anticipated use of two days per month. All other tools will be hand tools, including spading forks, shovels, hoes, trowels, and pitchforks.
- Odor: LLE states that displeasing odors will not be produced from compost, agricultural, or growing operations on or near 176 Clark Street. LLE does not foresee any area of the property that would be unmanaged to the point of producing displeasing odors. Constant attention will be placed to monitoring temperature, ratio of materials, and ensuring proper balance of garden materials on site throughout the year, in order to alleviate any odor concerns.
- Soil testing, Maintenance and Suitability for Agriculture Production: Soil testing has been conducted and appropriate recommendations for use have been provided by National Resources Conservation Service to the applicant, Department of Development Services, and Department of Health and Human Services. LLE will lay wood chip mulch over the lot in which lead levels tested above 400 ppm and use traditional organic soil remediation. For growing, raised beds and Hugelkultur style growing practices will be used. The raised beds will be in the sensory pollinator garden and outdoor classroom. Ten Hugelkultur beds will be used for growing in the farmland area of the lot. LLE state that this is in accordance with best practices to prevent lead contamination from affecting humans and children using the lot. The site will be maintained using organic agricultural practices, including the use of organic amendments only. LLE anticipates sourcing soil from We Care Denali via Keney Park Sustainability Project, Jessica's Garden, and Agway.

At the end of the growing season (no later than December 1st), all beds will be managed by mowing, maintenance of a winter-growing crop, or via intentionally planted cover crops. All beds which are slated for winter production or cover crop production will be marked by December 1st, and all other plant materials will be cut to no greater than 6" high unless agriculturally needed.



Figure 3. Proposed Site Plan

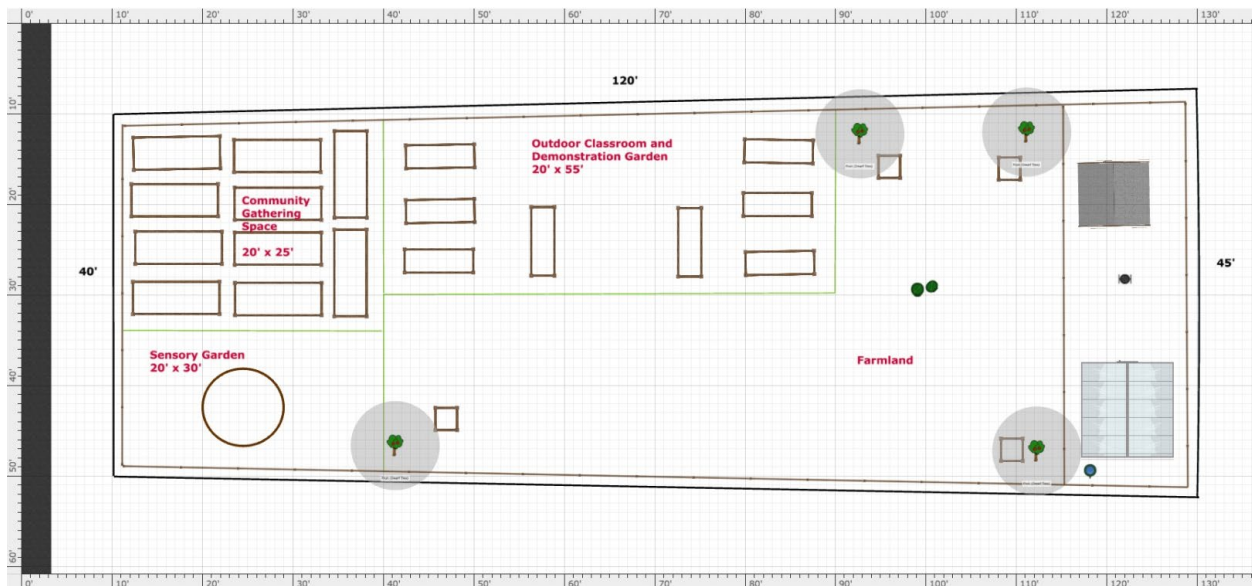


Figure 4. Proposed Site Plan

COMMENTS RECEIVED (DEPARTMENTS, AGENCIES, NRZs, PUBLIC)

A letter of support was provided by Northeast Revitalization Association, the Keney Park Sustainability Project and by Mutual Aid Hartford, The Village for Families and Children. At the time of writing, no other comments have been received.

ANALYSIS

An “Urban Farm” is defined in Sec. 3.3.3.F as: “A ground or roof-level agricultural operation of any size, excluding agricultural growing (such as aquaculture) occurring in a permanent indoor facility other than a farm structure, which is used for urban agriculture for commercial purposes, whether for profit or non-profit, with a single entity serving as the primary operator.” In contrast, a “Community Garden” is defined as: “A space used to grow plants for personal use, education, recreation, community distribution, or beautification by members of the neighboring community. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by community group members.” This use is appropriately classified as an Urban Farm, given that: 1) Gaia’s Garden will be used for commercial purposes, rather than such purposes as personal use or beautification, with additional (paid) educational programming and community benefits, and 2) a single entity will serve as the primary operator, rather than division of the site into separate plots for cultivation by multiple individuals. Farming practices will resemble those of rural farms, with modifications for a smaller, urban context.

The proposed urban farm will further the goals of the Plan of Conservation and Development by reviving vacant properties, enhancing biodiversity and quality of place, increasing vegetation coverage, and maximizing local food production and helping local farmers scale up.

Sec. 3.3.3(A)(1)(f) requires that a composting and waste management plan, a plan for the use of organic agricultural chemicals, and a soil remediation plan (if necessary) must be approved by the City Department of Health and Human Services (HHS). To address these requirements, HHS has: 1) reviewed the applicant’s plans for composting, waste management and water supply; 2) been noticed that only organic agricultural chemicals will be used; 3) reviewed the NRCS soil test results and anticipated source and depth of soil for the raised beds; and 4) conducted rodent surveys. From this review, HHS has suggested precautionary measures for insect control, water quality, and transportation of produce. Otherwise, HHS has not identified any issues with the operations as proposed, determined that Integrated Pest Management Plans will not be required to be submitted to DEEP, and determined that the requirement of Sec. 3.3.3(A)(1)(f) have been satisfied in the view of staff. HHS is providing a written statement to this effect.

The applicant acknowledges that a 6’ fence cannot be approved with this application, but for the purpose of site security, intends to apply for a separate special permit for deviation from maximum fence height requirements, per Sec. 6.13.5. However, the requirements of Sec. 3.3.3.F (Urban Farms), Sec. 3.3.3(A)(1) (Requirements for Food Production), and Sec. 4.20.5 (Accessory Urban Agricultural Structures) have otherwise been met. To the extent that the urban farm is also employed for any uses pertaining to a community garden, per Sec. 3.3.3(A)(6) such uses may be authorized as accessory uses subject to the same conditions of Sec. 3.3.3(A), of which Sec. 3.3.3(A)(1) (Requirements for Food Production), must already be met for urban farms. The applicant will obtain a separate approval for a community garden as an accessory use, if needed.

STAFF RECOMMENDATION

Staff recommend approval of this application for a Special Permit, on the condition that the maximum fence height onsite be 4’, unless a separate special permit for fence height deviation is approved.

A draft resolution follows. To address the issues raised in the Analysis, staff propose the following condition of approval:

1. All fencing onsite shall be a maximum of 4', unless a separate special permit for fence height deviation is approved.

ATTACHMENTS

1. Proposed Resolution
2. May 3, 2023 Urban Farm Proposal
3. Hartford Land Bank Authorization Letter
4. Soil Test Results
5. Property Layout
6. Letters of Support
7. Letter of Intent
8. Letter to Neighbors

REVIEWED AND EDITED BY,

Erin Howard, Acting Director of Planning & Development



**CITY OF HARTFORD
PLANNING & ZONING COMMISSION RESOLUTION
176 CLARK STREET
SPECIAL PERMIT AND SITE PLAN FOR URBAN FARM**

Whereas, The City of Hartford Planning & Zoning Commission reviewed the application and attached documents regarding the request for a Special Permit and Site Plan for an Urban Farm located at 176 Clark Street, per Section 1.3.4 and Section 3.3.3.F of the Zoning Regulations; and

Whereas, Section 3.3.3.F requires that all Urban Farms meet certain requirements relating to such considerations as lighting, operating hours, odors and equipment, as well as the Food Production requirements of Section 3.3.3 A(1); and

Whereas, Section 3.3.3 A(1) sets certain requirements for Food Production, including access to water, suitable soil, storage of equipment, organic agricultural practices, and signage; and

Whereas, The proposed Urban Farm meets all of the basic requirements of the Zoning Regulations for a Special Permit; and

Whereas, Hartford Land Bank, in partnership with Keney Park Sustainability Project, are supporting the conversion of a vacant, blighted lot to an independently-operated urban farm; and

Whereas, The proposed Urban Farm will further the goals of the Plan of Conservation and Development by reviving vacant properties, enhancing biodiversity and quality of place, increasing vegetation coverage, and maximizing local food production and helping local farmers scale up.; and

Now therefore Be It

Resolved, The City of Hartford Planning & Zoning Commission does hereby **deny/approve** the request for a Special Permit and Site Plan for an Urban Farm, with the following condition of approval:

1. All fencing onsite shall be a maximum of 4', unless a separate special permit for fence height deviation is approved.

Be It Further,

Resolved, This 30th day of May, 2023.